

Applicant : Stefan J. Burmeister  
Serial No. : 09/800,543  
Filed : March 6, 2001  
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Attorney's Docket No.: 12754-143001 / 2001 P7507 US 01

## REMARKS

### **I. Interview**

The Applicant's representative would like to thank the Examiner for the courtesy of the telephonic interview on December 18, 2003. Claim 1 has been discussed in view of U.S. Patent No. 5,905,750 to Lebby et al. ("Lebby"). To clarify the term "proportional to but different from" in the claim, the Applicant's representative proposed to amend the claim by inserting "substantially" in front of "different." The Examiner indicated that such amendment would overcome the current rejection, but it would raise new issues that require further consideration or search. Thus, no agreement has been reached regarding patentability of the claims.

### **II. Claims**

Claims 1-3, 5, 6, 8-11, 18-20, 22-25, and 27-33 are pending. Claims 1, 18, 22, 27 and 29 have been amended. Claims 34 and 35 have been added. Support for the amendment can be found at least in page 5 of the application.

#### **II.1 Rejections under section 103**

Claims 1-3, 5, 6, 8-11, 18-20, 22-25, and 27-33 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over US Patent No. 5, 812,582 to Gilliland et al. ("Gilliland") in view of US Patent No. 5,757,829 to Jiang et al. ("Jiang") and Lebby.

Claim 1, as amended, recites an apparatus for coupling optical power into a fiber. The apparatus includes a first VCSEL having a first optical power output and a second VCSEL having a second optical power output that is proportional to but substantially different from the first optical power output. As acknowledged by the Examiner during the telephonic interview of December 18, 2003, and discussed by the Applicant in the Reply to the Final Office Action dated September 17, 2003, none of the references discloses or suggests this limitation. Therefore, no *prima facie* obviousness has been established, and claim 1 should be allowed. Claims 2, 3, 5, 6, 8-11, 30 and 31 are dependent claims depending from claim 1, and are allowable for at least the same reasons.

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Claim 18, as amended, recites a VCSEL component for driving a fiber optic. The VCSEL component includes a first VCSEL having a first optical power output and a second VCSEL having a second optical power output that is proportional to but substantially different from the first optical power output. As discussed above with reference to claim 1, the references do not disclose or suggest the above limitation. Therefore, no *prima facie* obviousness has been established, and claim 18 should be allowed. Claims 19, 20, 32 and 33 are dependent claims depending from claim 18, and are allowable for at least the same reasons.

Claim 22, as amended, recites a method for fabricating a device capable of coupling optical power into a fiber. The method includes coupling in parallel a first VCSEL having a first optical power output and a second VCSEL having a second optical power output that is proportional to but substantially different from the first optical power output. As discussed above with reference to claim 1, the references do not disclose or suggest the above limitation. Therefore, no *prima facie* obviousness has been established, and claim 22 should be allowed. Claims 23-25 are dependent claims depending from claim 22, and are allowable for at least the same reasons.

Claim 27, as amended, recites a method for coupling optical power into a fiber. The method includes coupling in parallel a first VCSEL having a first optical power output and a second VCSEL having a second optical power output that is proportional to but substantially different from the first optical power output. As discussed above with reference to claim 1, the references do not disclose or suggest the above limitation. Therefore, no *prima facie* obviousness has been established, and claim 27 should be allowed. Claim 28 is a dependent claim depending from claim 27, and should be allowed for at least the same reasons.

Claim 29 recites a method for coupling optical power into a fiber. The method includes monitoring a first optical power output of a first VCSEL by separately monitoring a second optical power output of a second VCSEL, the second optical power output being proportional to but substantially different from the first optical power output. As discussed above with reference to claim 1, the references do not disclose or suggest the above limitation. Therefore, no *prima*

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*facie* obviousness has been established, and claim 29 should be allowed over the cited combination.

## II.2 New claims

Claims 34 and 35 are dependent claims depending from claims 1 and 18, respectively, and should be allowable for at least the same reasons.


Applicant asks that all claims be examined in view of the amendment to the claims.

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Please charge any excess claim fees and the Petition for Extension of Time fee to deposit account 06-1050. Please apply any other charges and/or deposits to deposit account 06-1050.

Respectfully submitted,

Date: 1/8/2004

  
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